

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

BRIAN C. ASHBAUGH

No. 3:16-cv-02332-PK

Plaintiff,

ORDER

v.

MCMINNVILLE POLICE DEPARTMENT,  
ERIK NEWHOUSE, YAMHILL COUNTY  
DISTRICT ATTORNEY'S OFFICE, HOLLY  
WINTER, ALICIA KAY EAGAN, and  
YAMHILL COUNTY JAIL,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [80] on May 18, 2018, in which he recommends the Court grant the Motion to Dismiss filed by Defendants Yamhill County District Attorney's Office, Holly Winter, and Alicia Kay Eagan (the "Moving

Defendants”). The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).


Because no objections to the Magistrate Judge’s Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge’s report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error.

### CONCLUSION

The Court ADOPTS Magistrate Judge Papak’s Findings and Recommendation [80]. Accordingly, the Moving Defendant’s Motion to Dismiss [75] is GRANTED. The claims against Defendant Yamhill County District Attorney’s Office are dismissed without prejudice but without leave to amend in federal court. The claims against Defendants Eagan and Winters are dismissed with prejudice because they are barred by the applicable statute of limitations.

IT IS SO ORDERED.

DATED this 14 day of Aug, 2018

  
MARCO A. HERNÁNDEZ  
United States District Judge